

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

CHARTER

NAVIGATION SAFETY ADVISORY COUNCIL CHARTER

1. PURPOSE. This Charter sets forth the operating procedures of the Navigation Safety Advisory Council (NAVSAC). NAVSAC shall serve as a deliberative body to advise the Secretary of Transportation, via the Commandant, U.S. Coast Guard, on matters relating to the prevention of collisions, rammings, and groundings. This includes, but is not limited to: Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.
2. BACKGROUND.
 - a. Section 5 of the Inland Navigational Rules Act of 1980 (Pub. Law 96-591; 33 U.S.C. 2073) established the Rules of the Road Advisory Council (RORAC) to provide advice to the Secretary on matters relating to the International and Inland Navigation Rules. The scope of RORAC was expanded and the Council renamed the Navigation Safety Advisory Council (NAVSAC) by Public Law 101-225 (December 12, 1989). The Federal Advisory Committee Act (Pub. Law 92-463; 5 U.S.C. App. 2) governs the operation of the Council.
 - b. The Secretary of Transportation delegated his authority under the Inland Navigational Rules Act of 1980, to the Commandant with the understanding that nominees to NAVSAC will be approved by the Secretary's office prior to designation. (49 CFR 1.46(n)(14); DOT Order 1120.3B).
3. MISSION. The Council shall advise, consult with and make recommendations to the Secretary, via the Commandant, on matters relating to prevention of collisions, rammings, and groundings. This includes, but is not limited to: Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. The Council may make recommendations to the Secretary of Transportation and may also make available to the Congress any information, advice and recommendations which it is authorized to give to the Secretary.

4. MEMBERSHIP. The Council shall consist of not more than 21 members considered to have particular expertise, knowledge and experience in the Inland and International Rules of the Road, Aids to Navigation, Navigational Safety Equipment, Vessel Traffic Service, Traffic Separation Schemes and Vessel Routing. To assure balanced representation, members shall be chosen, insofar as practical, from the following groups: (1) recognized experts and leaders in organizations having an active interest in the Rules of the Road and vessel and port safety; (2) professional mariners, recreational boaters, and the recreational boating industry; (3) individuals with an interest in maritime law; and (4) Federal and state officials with responsibility for vessel and port safety, including one member to be recommended by the Secretary of Transportation. Additional persons may be appointed to panels of the Council to assist the Council in the performance of its functions.

To ensure that the recommendations of the Council have taken into account the needs of diverse groups served by the Department, membership shall include, to the extent practicable, individuals and/or organizations to represent minorities, women and persons with disabilities.

5. TERM OF OFFICE.

a. Each member shall hold office for a term of up to three years, except that:

(1) The Chair may be allowed to serve three consecutive three-year terms.

(2) A member appointed to fill a vacancy prior to expiration of the term for which his/her predecessor was appointed, shall be appointed for the remainder of such term; and

(3) A member's term may be extended until the date on which the successor's appointment is effective.

b. With the exception of the Chair, no member may serve more than two consecutive three-year terms of office.

6. REMOVAL. A member may be recommended for removal from the Council if he/she:

- a. Fails to attend two consecutive meetings;
- b. Fails to make a meaningful contribution to the business of the Council;
- c. Requests to be removed; or
- d. Cannot continue to participate due to health or other personal reasons.

7. APPOINTMENT OF OFFICERS. The Commandant or his designee may designate Council members as Chair and Vice Chair. Their duties are as follows:

a. The Chair is the presiding officer of the Council and guides it to the effective completion of assigned tasks. The Chair provides leadership and opportunity for participation by each member, ensures adherence to the agenda, maintains order, and conducts each meeting in accordance with the rules governing meetings. The Chair is responsible for the management of the Council and the conduct of all Council activities.

b. The Vice Chair assists the Chair and Executive Director in developing meeting agendas and conducting meetings. The Vice Chair assumes the responsibilities and duties of the Chair, when he/she is absent or unavailable.

8. EXECUTIVE DIRECTOR.

a. The Executive Director is a full time salaried officer or civilian employee of the Coast Guard.

b. The Executive Director will furnish administrative and staff support to the Council, including:

- (1) Assisting the Chair in formulating agenda items;
- (2) Preparing recommendations and resolutions on substantive issues which reflect the determination of the Council;
- (3) Developing plans for Council, subcommittee, and panel activities;

(4) Notifying members of Council meetings and agenda items; and

(5) Maintaining records of Council activities and disseminating information in accordance with applicable statutes, resolutions or instructions.

9. MEETINGS.

a. Council meetings are held only at the call of or with the advance approval of the Executive Director. The Council will hold at least two meetings each calendar year. Generally, meetings will be for a period of two consecutive days. The Executive Director may cancel or reschedule meetings, or call additional meetings.

b. Each meeting shall be conducted in the presence of the Executive Director who shall have the authority to adjourn the meeting whenever he/she considers it to be in the public interest.

c. Robert's Rules of Order (Revised) are the parliamentary authority for Council meetings in all cases unless otherwise specified in this Charter.

d. To the extent practicable, the members will be notified at least four weeks prior to a scheduled meeting date and furnished a copy of the agenda.

e. Each meeting shall be open to the public.

f. Timely notice of each meeting shall be published in the Federal Register and otherwise disseminated to known interested persons, except when:

(1) The Secretary of Transportation determines otherwise for the reasons of national security; or

(2) The meeting involves a small temporary working group or subcommittee of the Council which takes no action on substantive matters on behalf of the Council.

g. Interested persons shall be permitted to attend, appear before, or file statements with the Council subject to reasonable time and space limitations at the meeting.

10. QUORUM.

a. A quorum at meetings exists when at least half of the appointed members and the Executive Director are present.

b. In voting at meetings the majority vote of members present prevails. When voting by mail, which is limited to those issues that the Council has previously discussed in open meetings, the majority vote of half of the appointed members prevails.

11. MINUTES. Detailed minutes of each Council meeting shall be kept and contain, as a minimum, a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council. The Council Chair shall certify the accuracy of all minutes.

12. PREPARATION OF REPORTS. Recommendations, resolutions and reports shall be in writing and submitted by the Chair. A Council member selected by members of the respective voting groups may prepare majority and minority reports.

13. SUBCOMMITTEES. The Chair may establish temporary subcommittees or working groups as organs of the Council to perform appropriate tasks. The Chair may designate members from either the Council or the public to serve on subcommittees or working groups. The subcommittee or working group chair shall be a Council member. Only the Sponsor, Executive Director, or their designee may perform recording or videotaping of working group meetings.

14. PANELS.

a. The Commandant may appoint Panel members to assist the Council in the performance of its functions in accordance with Section 5 of Public Law 96-591.

b. Panel members may be members of the Council, or non-members appointed by the Commandant from the same sources as Council members.

c. Panel members will be governed by the same rules and operating instructions as the Council.

15. **FREEDOM OF INFORMATION**: The records, reports, transcripts, minutes, appendices, working papers, draft studies, agenda, and other documents, which were available to, or prepared for or by the Council, shall be available for public inspection and copying at the office of the Executive Director, U.S. Coast Guard Headquarters, Washington, DC, subject to Section 552 of Title 5, United States Code,
16. **SPONSOR**. The Assistant Commandant for Marine Safety and Environmental Protection is designated as the Sponsor of the Navigation Safety Advisory Council, to whom the Council shall report. He shall:
- a. Initiate Council action documents;
 - b. Provide staff, secretarial, and other support services;
 - c. Be the principal responsible official for the Council in the Department; and
 - d. Comply with the requirements of this Charter and those of the Department of Transportation Committee Management Officer.
17. **COMPENSATION**. Members of the Council may receive travel and per diem, as allowed by regulations and Department of Transportation policy.
18. **OPERATING COSTS**. The annual operating cost for the Council is estimated to be \$39,000 and 1.0 staff years.
19. **EFFECTIVE DATE AND DURATION**. The effective date of this Charter is January 17, 2003. In accordance with the Federal Advisory Committee Act, the Charter will expire two years from this date. At that time, a new Charter shall be prepared and filed in accordance with Section 14(b)(2) of the Act.